

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Civil Action No.:

20

926

RETIREMENT MEDIA, INC. and CRASH  
PROOF RETIREMENT, LLC

Plaintiffs,

v.

NICHOLAS LEE YASHIN d/b/a  
RECESSION PROOF RETIREMENT, and  
JOHN DOES 1-10,

Defendants.

**VERIFIED COMPLAINT**

**JURY TRIAL DEMANDED**

**FILED**

**FEB 19 2020**

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

Retirement Media, Inc. ("Retirement Media") and Crash Proof Retirement, LLC ("Crash Proof Retirement"), by their attorneys, as and for their Complaint herein against Defendant Nicholas Lee Yashin, doing business as Recession Proof Retirement ("Defendant Yashin") and John Does 1-10 (Defendant Yashin and John Does 1-10 are collectively referred to herein as "Defendants"), allege the following:

**PARTIES**

1. Retirement Media is a Pennsylvania business corporation with a principal place of business at 2700 Horizon Drive, Suite 300, King of Prussia, Pennsylvania 19406. Retirement Media is the record owner of U.S. Trademark Registration Nos. 3,708,046 for THE CRASH PROOF RETIREMENT SHOW, attached hereto as Exhibit A and is incontestable, and 4,782,386 for CRASH PROOF RETIREMENT, attached hereto as Exhibit B (collectively the "CRASH PROOF Marks").

2. Crash Proof Retirement is a Delaware limited liability company registered to do business in the Commonwealth of Pennsylvania. Its headquarters is located at 2700 Horizon

Drive, Suite 300, King of Prussia, Pennsylvania 19406. Retirement Media and Crash Proof Retirement are related companies. Crash Proof Retirement uses the CRASH PROOF Marks under license.

3. Upon information and belief, Defendant Yashin is an adult individual who resides at 121 Stable Road, Norristown, Pennsylvania 19403. On information and belief, Defendant Yashin operates under a fictitious name Recession Proof Retirement at 600 W Germantown Pike, Suite 400, Plymouth Meeting, Pennsylvania 19462.

4. John Does 1-10 are fictitious persons and/or entities who may have an interest herein. At such time as the true name of said fictitious persons and/or entities becomes known, Plaintiffs may amend their pleadings to reflect same.

#### **JURISDICTION AND VENUE**

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(b), and 15 U.S.C. § 1121 because it arises under the Lanham Act, 15 U.S.C. §§ 1051, *et seq.*

6. Supplemental jurisdiction exists over the state law claims pursuant to 28 U.S.C. § 1367(a).

7. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391(b)(1)-(2), because a substantial part of the events giving rise to this controversy occurred in the Commonwealth of Pennsylvania, and because both parties reside and transact business in this District and are, therefore, subject to personal jurisdiction in the Eastern District of Pennsylvania.

**FACTS COMMON TO ALL CLAIMS FOR RELIEF**

**Plaintiffs' Business and Use of the Term "Crash Proof Retirement"**

8. When the 2001 stock market crash hit, Phillip Cannella, a principal of Plaintiffs, saw a need for a new type of investment, especially for people in or near retirement and who did not have the time to go back to work to rebuild their nest eggs. Mr. Cannella had already developed expertise in the senior financial services market and began searching for an investment solution that would meet his customers' needs, which he found in guaranteed financial investment vehicles based in the life insurance industry that could provide steady growth while protecting customers from losses during market downturns.

9. Over the next four years, Mr. Cannella perfected the CRASH PROOF RETIREMENT System, adding important consumer protections. He founded plaintiff Crash Proof Retirement as a firm that would utilize this consumer-oriented approach and help consumers get on the path to a CRASH PROOF RETIREMENT future.

10. In the ensuing years, Mr. Cannella used the platform provided by Crash Proof Retirement and First Senior Financial Group, LLC, a predecessor to Retirement Media, to educate investors about the investments offered under the CRASH PROOF Marks. Mr. Cannella so enjoyed his new role as a consumer defender he decided to create his own media company so he could pursue a full time career of bringing his unique message to people in or near retirement all across the country.

11. Retirement Media, with Mr. Cannella as CEO, expanded the reach of Plaintiffs as an alternative media source bringing truth to the American retiree. He speaks regularly, as a representative of Plaintiffs, at educational events organized and recorded by Plaintiffs throughout the country, educating retirees about the alternatives to stock market investing that can provide

them with the security they deserve in retirement. In addition to that, he mentors other advisors who work with the senior demographic, teaching them about the CRASH PROOF RETIREMENT System offered by Plaintiffs and how it can help their clients achieve a safe retirement.

12. Through the above-described activities, Plaintiffs have established substantial goodwill in connection with their use of the registered trademark CRASH PROOF RETIREMENT. Plaintiffs organize educational events across the country under one or both of the CRASH PROOF Marks and operate the weekly CRASH PROOF RETIREMENT SHOW on WPHT 1210AM Talk Radio in Philadelphia, Pennsylvania and WLML 100.3 FM in Palm Beach County, Florida. Plaintiff also produces videos of interviews, testimonials, and panel discussions, all under the CRASH PROOF RETIREMENT Mark that are accessible via Plaintiff's website <https://crashproofretirement.com/>. Plaintiffs have over 240 customer testimonials available on Retirement Media's website and YouTube channel. Plaintiffs have approximately 5,000 clients receiving CRASH PROOF RETIREMENT financial services.

13. Thus, Plaintiffs have been providing, among other things, financial planning, advice, education, and/or investment services in connection with the CRASH PROOF Marks since at least February 2005. Detail regarding the CRASH PROOF Marks is provided below.

Mark	Filing Date	Reg. Date	Reg. No.	First Use	Class
CRASH PROOF RETIREMENT SHOW	Mar. 03, 2009	Nov. 10, 2009	3,708,046	Nov. 30, 2008	36
CRASH PROOF RETIREMENT	Mar. 05, 2013	Jul. 28, 2015	4,782,386	Feb. 2005	36, 41

14. U.S. Trademark Registration No. 3,708,046 covers "Financial services, namely, investment advice, investment management, investment consultation and investment of funds for

others, including private and public equity and debt investment services; Investment services, namely, asset acquisition, consultation, development and management services.” See Exhibit A.

15. U.S. Trademark Registration No. 4,782,386 covers “Insurance information and consultancy; financial services, namely, investment advice, investment consultation and investment of funds for others; investment services, namely, asset acquisition, consultation, development and management services; financial analysis and consultation; financial planning; providing a website featuring information about investments, financial markets, and retirement planning; providing a website featuring online non-downloadable videos in the fields of investments, financial markets, and retirement planning;” and “Education services, namely, providing classes, seminars, and workshops in the fields of investments, financial markets, and retirement planning; educational and entertainment services, namely, a continuing program about investments, financial markets, and retirement planning accessible by radio, television, satellite, audio, video and computer networks; online electronic newsletters in the field of investments, financial markets, and retirement planning.” See Exhibit B.

#### **Defendant Yashin’s Termination and Pattern of Harassment**

16. For approximately nine years until December 2018, Defendant Yashin served as an independent contractor for Crash Proof Retirement.

17. On December 15, 2018, Defendant Yashin breached his written employment agreement by violating Crash Proof Retirement’s consumer protection policies. Multiple times previously, Defendant Yashin was reprimanded for similar violations and Crash Proof Retirement finally concluded that this breach would be his last. Crash Proof Retirement terminated Defendant Yashin for cause for his mishandling of clients on December 15, 2018.

18. The written employment agreement also required Defendant Yashin to return certain proprietary documents that included Crash Proof Retirement documents containing its Proprietary Information. The agreement also required Defendant Yashin to maintain Crash Proof Retirement's Proprietary Information in the strictest confidence and prohibited its use. Defendant Yashin breached the agreement by possessing, using and continuing to use Crash Proof Retirement documents containing Proprietary Information to contact Crash Proof Retirement customers, despite the prohibition of their use.

19. Defendant Yashin was precluded from competing against Crash Proof Retirement for one year after termination pursuant to the written employment agreement with Crash Proof Retirement. Defendant Yashin never challenged the reasonableness of the non-compete clause. The clause prohibited Defendant Yashin from "providing estate and financial analysis and investments and such other related products and services" as the Plaintiffs.

20. In addition to the acts described above, Defendant Yashin engaged in other intentional acts purposefully designed to annoy and harass Plaintiffs and to cause damage to their business in retaliation for being fired. For example, Defendant Yashin purposefully sent emails disclosing the merits of his alleged dispute with Plaintiffs to incorrect email addresses and to company-wide email addresses, despite repeated instructions not to do so, claiming he was owed money (which he was not). The purpose of these emails: to undermine Plaintiffs' reputation and that of their principal, Mr. Cannella. Defendant Yashin continued harassing and annoying Plaintiffs by engaging in the serial hiring of numerous attorneys (some of whom recognized that his claims against Plaintiffs regarding his rightful termination had no merit), requiring Plaintiffs to expend a significant amount of time and money educating each attorney Defendant Yashin hired that his claims had no merit. Finally, on October 7, 2019, in an effort to end Defendant Yashin's

reign of terror waged against Plaintiffs, counsel for Crash Proof Retirement wrote to Defendant Yashin confirming that, by cashing the checks previously sent to him by Crash Proof Retirement, Defendant Yashin agreed that there was no further money due to him from Crash Proof Retirement. Predictably, Defendant Yashin cashed those checks two days later.

21. His war against Plaintiffs, however, was not yet over – one day after cashing the checks, Defendant Yashin filed a meritless lawsuit against Mr. Cannella and his wife individually, not against Crash Proof Retirement, in the Commonwealth of Pennsylvania Magisterial District Court 38-1-09, to extort additional money. Faced with the repeated harassment, Mr. Cannella contacted the police. Defendant Yashin eventually voluntarily dismissed his meritless lawsuit.

**Defendant Yashin's Business and Improper Use of the Phrase  
"Recession Proof Retirement"**

22. Defendant Yashin has not yet fully executed his intentional plan to harass and annoy Plaintiffs and to cause damage to their business. He now operates as a financial planning advisor under the fictitious name Recession Proof Retirement, entity number 6916518 created on July 10, 2019 according to the Pennsylvania Secretary of State. *See Exhibit C.* Defendant Yashin currently operates a website at <https://www.recessionproofretirement.net/>, where he solicits customers by describing himself as "one of the top educational professionals with Crash Proof Retirement," misleading those customers regarding the status of his affiliation with Plaintiffs. At the very least, Defendant Yashin makes no effort to disclaim Plaintiffs as the source of his offered services. *See Exhibit D*, at 3. The recessionproofretirement.net Internet domain was registered in November 2019. *See Exhibit E.* Defendant Yashin's registration of the fictitious name and the Internet domain occurred prior to the expiration of Defendant Yashin's non-compete clause.

23. Defendant Yashin has communicated with multiple customers of Plaintiffs and has attempted to sell his nearly identical services to them under the RECESSION PROOF RETIREMENT mark using the same or similar channels of trade. One client of Crash Proof Retirement, confused by Defendant Yashin's marketing efforts, contacted Plaintiffs in January 2020 inquiring about Defendant Yashin and RECESSION PROOF RETIREMENT, because Defendant Yashin had recently contacted him.

24. Defendants were aware of the CRASH PROOF Marks. As a former employee, Defendant Yashin had ample prior knowledge of the CRASH PROOF Marks, of Plaintiffs' use of them, and of the substantial reputation and goodwill Plaintiffs have acquired over the last 15 years.

25. Customers have been confused regarding the source, sponsorship, approval, affiliation, connection, or association between Plaintiffs and the services Defendant Yashin provides under the RECESSION PROOF RETIREMENT mark.

**FIRST CLAIM FOR RELIEF**  
**Unfair Competition Under The Lanham Act, 15 U.S.C. §1125(a)**

26. Plaintiffs incorporate by reference and realleges the preceding paragraphs of this Complaint as though fully set forth herein.

27. Defendants offer services that are identical, related, and/or complementary to the services rendered by Plaintiffs under the CRASH PROOF Marks. Defendant Yashin's aforesaid use of "Recession Proof Retirement" and deceptive marketing materials, such as the aforementioned recessionrpoofretirement.net website, falsely represent that Defendant Yashin is affiliated, connected, or associated with, or sponsored or approved by Plaintiffs in violation of § 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).



28. Defendant Yashin's aforesaid use of "Recession Proof Retirement" and deceptive marketing materials falsely represent the nature, character, and/or qualities of his services and commercial activities in violation of § 43(a)(1)(B) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B).

29. Defendant Yashin's behavior has caused, is likely to cause, and will continue to cause customer confusion by deceiving customers looking to utilize genuine services from Plaintiffs, which can only be purchased from Plaintiffs. Defendant Yashin knows that his use of "Recession Proof Retirement" and/or the manner in which he uses "Recession Proof Retirement" has caused, is likely to cause, and will continue to cause consumer confusion, and Defendant Yashin continues to act in a manner likely to cause confusion, or to cause mistake, or to deceive customers that Defendant Yashin's services are authorized by, or affiliated with, Plaintiffs.

30. Defendant Yashin's acts greatly and irreparably damage and will continue to damage Plaintiffs unless restrained by this Court; wherefore, Plaintiffs are without a remedy at law.

#### **SECOND CLAIM FOR RELIEF**

##### **Federal Trademark Infringement Under The Lanham Act, 15 U.S.C. § 1114**

31. Plaintiffs incorporate by reference and reallege the preceding paragraphs of this Complaint as though fully set forth herein.

32. Defendant Yashin had both actual and constructive knowledge of Plaintiffs' ownership and rights in its federally registered CRASH PROOF Marks prior to Defendant Yashin's infringing use of confusingly similar marks.

33. Defendant Yashin has been advertising, marketing, and promoting services using a confusingly similar mark to the CRASH PROOF Marks identified above. Defendant Yashin's use of RECESSION PROOF RETIREMENT in association with Defendant Yashin's services is likely

to cause confusion and, on information and belief, such use has caused consumer confusion as such consumers believe that Defendant Yashin's services are commissioned by, sponsored by, or affiliated with Plaintiffs.

34. Defendant Yashin's use of RECESSION PROOF RETIREMENT is without the permission of Plaintiffs. Such use has caused, is likely to cause, and will continue to cause customer confusion by deceiving customers looking to utilize genuine services from Plaintiffs, which can only be purchased from Plaintiffs. Defendant willfully used and continues to use the infringing mark in connection with the sale, offering for sale, provision, promotion, and advertising of Defendant Yashin's services in willful disregard of such confusion and with the desire to take unfair advantage of the goodwill established in the CRASH PROOF Marks.

35. Defendant Yashin's use of Plaintiff Crash Proof Retirement's name, without any disclaimer as to the source or affiliation of the services he sells, misleads his customers into believing that the services purchased from Defendant Yashin are genuine services provided by Plaintiffs.

36. The above-recited acts by Defendant Yashin constitute trademark infringement of the CRASH PROOF Marks to the substantial and irreparable injury of Plaintiffs as well as to their business reputation and goodwill.

37. As a result of these acts, Defendant Yashin has been, and will continue to be, unjustly enriched by the profits that Defendant Yashin has made in connection with the use of the CRASH PROOF Marks.

38. Defendant Yashin's continuing infringement has inflicted, and unless restrained by this Court, will continue to inflict, substantial and irreparable harm to Plaintiffs. Plaintiffs have no

adequate remedy at law. Plaintiffs are entitled to a preliminary and permanent injunction enjoining Defendant Yashin from engaging in further acts of infringement.

39. As a direct and proximate result of Defendant Yashin's foregoing acts, Plaintiffs have suffered and are entitled to an award of monetary damages in an amount not yet determined, as Defendants are unjustly enriched, and Plaintiffs are unjustifiably damaged each and every time Defendant Yashin uses marks that are confusingly similar to the CRASH PROOF Marks to advertise and promote his services, and each time a financial planning customer and/or consumer purchases Defendant Yashin's services, as such use by Defendant Yashin causes confusion as to Defendants' affiliation with Plaintiffs through their use of the infringing RECESSION PROOF RETIREMENT mark. Plaintiffs are also entitled to attorneys' fees and costs of suit herein.

40. Defendant Yashin's acts were and are in conscious and willful disregard of the CRASH PROOF Marks and the resulting damage to Plaintiffs is such to warrant the trebling of damages to provide compensation.

**THIRD CLAIM FOR RELIEF**  
**Statutory Unfair Competition Under 73 P.S. §§201-1, et seq.**

41. Plaintiffs incorporate by reference and reallege the preceding paragraphs of this Complaint as though fully set forth herein.

42. Defendant Yashin's behavior has caused, is likely to cause, and will continue to cause customer confusion by deceiving customers looking to utilize genuine services from Plaintiffs, which can only be purchased from Plaintiffs. Defendant Yashin knows that his use of "Recession Proof Retirement" and/or the manner in which he uses "Recession Proof Retirement" has caused, is likely to cause, and will continue to cause consumer confusion, and Defendant

Yashin continues to act in willful disregard of such confusion and with the desire to take unfair advantage of the goodwill established in the CRASH PROOF Marks.

43. Defendant Yashin's use of Plaintiff Crash Proof Retirement's name, without any disclaimer as to the source or affiliation of the services he sells, misleads his customers into believing that the services purchased from Defendant Yashin are genuine services provided by Plaintiffs.

44. Defendant Yashin's acts greatly and irreparably damaged and will continue to so damage Plaintiffs unless restrained by this Court; wherefore, Plaintiffs are without a remedy at law.

**FOURTH CLAIM FOR RELIEF  
Common Law Unfair Competition**

45. Plaintiffs incorporate by reference and reallege the preceding paragraphs of this Complaint as though fully set forth herein.

46. Defendant Yashin's actions in connection with Defendant Yashin's services are likely to cause confusion, to cause misrepresentation, to cause mistake, and/or to deceive the public as to the affiliation, approval, sponsorship, or connection between Defendant Yashin and Plaintiffs, and constitute unfair competition at common law.

47. By reason of Defendant Yashin's actions in connection with Defendant Yashin's services, Plaintiffs have suffered, and will continue to suffer, substantial and irreparable injury to its rights, and has suffered, and will continue to suffer, substantial loss of goodwill and loss in the value of its trademark, unless and until Defendant Yashin is enjoined from continuing its wrongful acts.

48. By reason of Defendant Yashin's actions in connection with his use of the RECESSION PROOF RETIREMENT mark, Plaintiffs have been damaged in an amount not presently ascertained, and such damage will continue and increase unless and until Defendant Yashin is enjoined from continuing his wrongful acts.

49. Defendant Yashin's conduct is actionable because, among other things, he (1) has caused and will continue to cause substantial economic loss to Plaintiffs; (2) demonstrates an indifference as to the trademark rights of Plaintiffs; (3) has acted repeatedly and continuously, as Defendant Yashin was actually and constructively aware of Plaintiffs rights and Defendant Yashin has failed to take action and has continued his infringing use; and, (4) has caused and will continue to cause harm to Plaintiffs not by accident, but rather by intentional malice, trickery, and deceit.

50. Defendant Yashin's aforementioned conduct is and was intended to cause substantial and irreparable injury to Plaintiffs or is and was despicable conduct carried on with a willful and conscious disregard of the trademark rights of Plaintiffs such as to constitute malice, oppression or fraud under the common law of Pennsylvania, thereby entitling Plaintiffs to punitive damages in an amount appropriate to punish or set an example of Defendant Yashin.

**Prayer for Relief**

WHEREFORE, Plaintiffs pray for the following relief:

1. A preliminary and permanent injunction barring Defendant Yashin, or any person or entity acting on his behalf, in concert with him, or through its acts, from:
  - a. Making any use of the name RECESSION PROOF RETIREMENT as a trademark or tradename in connection with the provision of financial planning services, specifically the sale of annuities, and which is confusingly similar Plaintiffs CRASH PROOF Marks; and

- b. Unfairly competing against Plaintiffs; and
- 2. Compensatory damages including, but not limited to: (1) lost profits; (2) the disgorgement of all profits and revenues received by Defendant; and (3) to the extent calculable, damages for reputation damage, lost customers, lost customer relationships, lost revenue, loss of goodwill, and other damages; and
- 3. Punitive and exemplary damages in an amount to be determined at trial in this matter; and
- 4. Costs, attorney fees, prejudgment and post-judgment interest as permitted by the Lanham Act and Pennsylvania law; and
- 5. Awarding such other relief to Plaintiffs as this Court deems appropriate, just, and proper.

**Jury Demand**

Plaintiffs hereby demand a trial by jury on all issues so triable.

Dated: Philadelphia, Pennsylvania  
February 19, 2020

**FOX ROTHSCHILD, LLP**

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*Attorneys for Plaintiffs*

*Retirement Media, Inc. and*


*Crash Proof Retirement, LLC*

**VERIFICATION**

Phillip Cannella states that he is a principal of Retirement Media, Inc. and Crash Proof Retirement LLC. He has read the Verified Complaint and, based on the information available to Plaintiffs, attests that the facts alleged therein are true and correct to the best of his knowledge, information and belief.

I make this statement subject to the penalties of perjury pursuant to 18 U.S.C. § 1746.

Date: 2/11/2020

  
Phillip Cannella



# Exhibit A

# United States of America

United States Patent and Trademark Office

## The Crash Proof Retirement Show

**Reg. No. 3,708,046** FIRST SENIOR FINANCIAL GROUP (PENNSYLVANIA LIMITED LIABILITY COMPANY)  
Registered Nov. 10, 2009 20109 VALLEY FORGE CIRCLE  
KING OF PRUSSIA, PA 19406

**Int. Cl.: 36** FOR: FINANCIAL SERVICES, NAMELY, INVESTMENT ADVICE, INVESTMENT MANAGE-  
MENT, INVESTMENT CONSULTATION AND INVESTMENT OF FUNDS FOR OTHERS,  
INCLUDING PRIVATE AND PUBLIC EQUITY AND DEBT INVESTMENT SERVICES; IN-  
**SERVICE MARK** VESTMENT SERVICES, NAMELY, ASSET ACQUISITION, CONSULTATION, DEVELOP-  
**PRINCIPAL REGISTER** MENT AND MANAGEMENT SERVICES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-30-2008; IN COMMERCE 11-30-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RETIREMENT", APART FROM  
THE MARK AS SHOWN.

SER. NO. 77-682,085, FILED 3-3-2009.

TOBY BULLOFF, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

# Exhibit B

# United States of America

United States Patent and Trademark Office

## CRASH PROOF RETIREMENT

**Reg. No. 4,782,386**

**Registered July 28, 2015**

**Int. Cls.: 36 and 41**

**SERVICE MARK**

**PRINCIPAL REGISTER**

FIRST SENIOR FINANCIAL GROUP, LLC (PENNSYLVANIA LIMITED LIABILITY COMPANY)

2700 HORIZON DRIVE

SUITE 300

KING OF PRUSSIA, PA 19406

FOR: INSURANCE INFORMATION AND CONSULTANCY; FINANCIAL SERVICES, NAMELY, INVESTMENT ADVICE, INVESTMENT CONSULTATION AND INVESTMENT OF FUNDS FOR OTHERS; INVESTMENT SERVICES, NAMELY, ASSET ACQUISITION, CONSULTATION, DEVELOPMENT AND MANAGEMENT SERVICES; FINANCIAL ANALYSIS AND CONSULTATION; FINANCIAL PLANNING; PROVIDING A WEBSITE FEATURING INFORMATION ABOUT INVESTMENTS, FINANCIAL MARKETS, AND RETIREMENT PLANNING; PROVIDING A WEBSITE FEATURING ONLINE NON-DOWNLOADABLE VIDEOS IN THE FIELDS OF INVESTMENTS, FINANCIAL MARKETS, AND RETIREMENT PLANNING, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-0-2005; IN COMMERCE 2-0-2005.

FOR: EDUCATION SERVICES, NAMELY, PROVIDING CLASSES, SEMINARS, AND WORKSHOPS IN THE FIELDS OF INVESTMENTS, FINANCIAL MARKETS, AND RETIREMENT PLANNING; EDUCATIONAL AND ENTERTAINMENT SERVICES, NAMELY, A CONTINUING PROGRAM ABOUT INVESTMENTS, FINANCIAL MARKETS, AND RETIREMENT PLANNING ACCESSIBLE BY RADIO, TELEVISION, SATELLITE, AUDIO, VIDEO AND COMPUTER NETWORKS; ONLINE ELECTRONIC NEWSLETTERS IN THE FIELD OF INVESTMENTS, FINANCIAL MARKETS, AND RETIREMENT PLANNING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 2-0-2005; IN COMMERCE 2-0-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,708,046.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RETIREMENT", APART FROM THE MARK AS SHOWN.



*Nichelle K. Lee*

Director of the United States  
Patent and Trademark Office

**Reg. No. 4,782,386** SN 85-867,377, FILED 3-5-2013.

SUE LAWRENCE, EXAMINING ATTORNEY

# Exhibit C

1/29/2020

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## Order Business Documents

Date: 01/29/2020

### Business Name History

Name	Name Type
Recession Proof Retirement	Current Name
Recession Proof Retirement	Prior Name

### Business Entity Details Officers

Name	Recession Proof Retirement
Entity Number	6916518
Entity Type	Fictitious Names
Status	Active
Citizenship	Domestic
Entity Creation Date	07/10/2019
Effective Date	07/10/2019
State Of Inc	PA
Address	121 Stable Road NORRISTOWN PA 19403 Out Of State
Name	Nicholas L. Yashin
Title	OWNER
Address	121 Stable Road Norristown PA 19403

### Filed Documents

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1/29/2020

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# Exhibit D

1/29/2020

Recession Proof Retirement - Home

A black and white photograph of a person's hands holding a smartphone. The person is wearing a patterned shirt. The image is slightly blurred, focusing on the hands and the phone.

# HELPING YOU ENJOY A WORRY-FREE RETIREMENT

MEET US



1/29/2020

Recession Proof Retirement - Home



1/29/2020

Recession Proof Retirement - Home



## Nick Yashin | Retirement Planning Specialist

**Nicholas Yashin** is a graduate of Temple University and started his financial planning career in 1999. For the past 8 years he has been one of the top educational professionals with Crash Proof Retirement. His positions with Merrill Lynch, Bank of America and Morgan Stanley have all prepared him to follow his own dream. ***Nicholas loves providing Adult Education and feels that it is the best way to assist those who are either in retirement or in the planning stages.*** Nicholas states that it is his mission to not only protect the nest egg of the American retiree from recessions, with no market loss, but to provide a guaranteed retirement income designed with the goal of having your money last your entire life.

Nicholas has been married for 45 years to his wife Jane. They have four children and two grandchildren. His hobbies include all sports, fishing and working out at the gym.



1/29/2020

Recession Proof Retirement - Home



1/29/2020

Recession Proof Retirement - Home



1/29/2020

Recession Proof Retirement - Home



We regularly host informative and educational workshops throughout our community about retirement and income solutions. We invite you to learn more at an upcoming event.



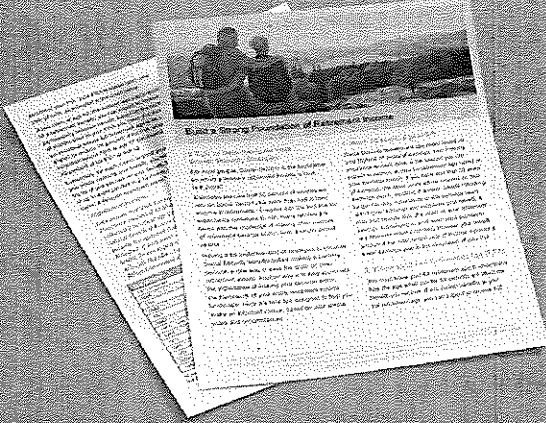
CALL OUR OFFICE TO REGISTER

*Nine Tips To Help Navigate  
Your Social Security*



1/29/2020

Recession Proof Retirement - Home



Name

First  Last

Phone

Email

# We Love To Meet New People!



1/29/2020

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## — MAIN OFFICE

600 W  
Germantown  
Pike  
Suite 400  
Plymouth  
Meeting, PA  
19462

## — EMAIL

nick@recessionproofret  
irement.net

## — CALL US

(610) 291-  
4404

— **SERVICING:** Bala Cynwyd PA, Malvern PA, Radnor PA, Marlton NJ, &  
Venice FL.

Get in contact with  
US:

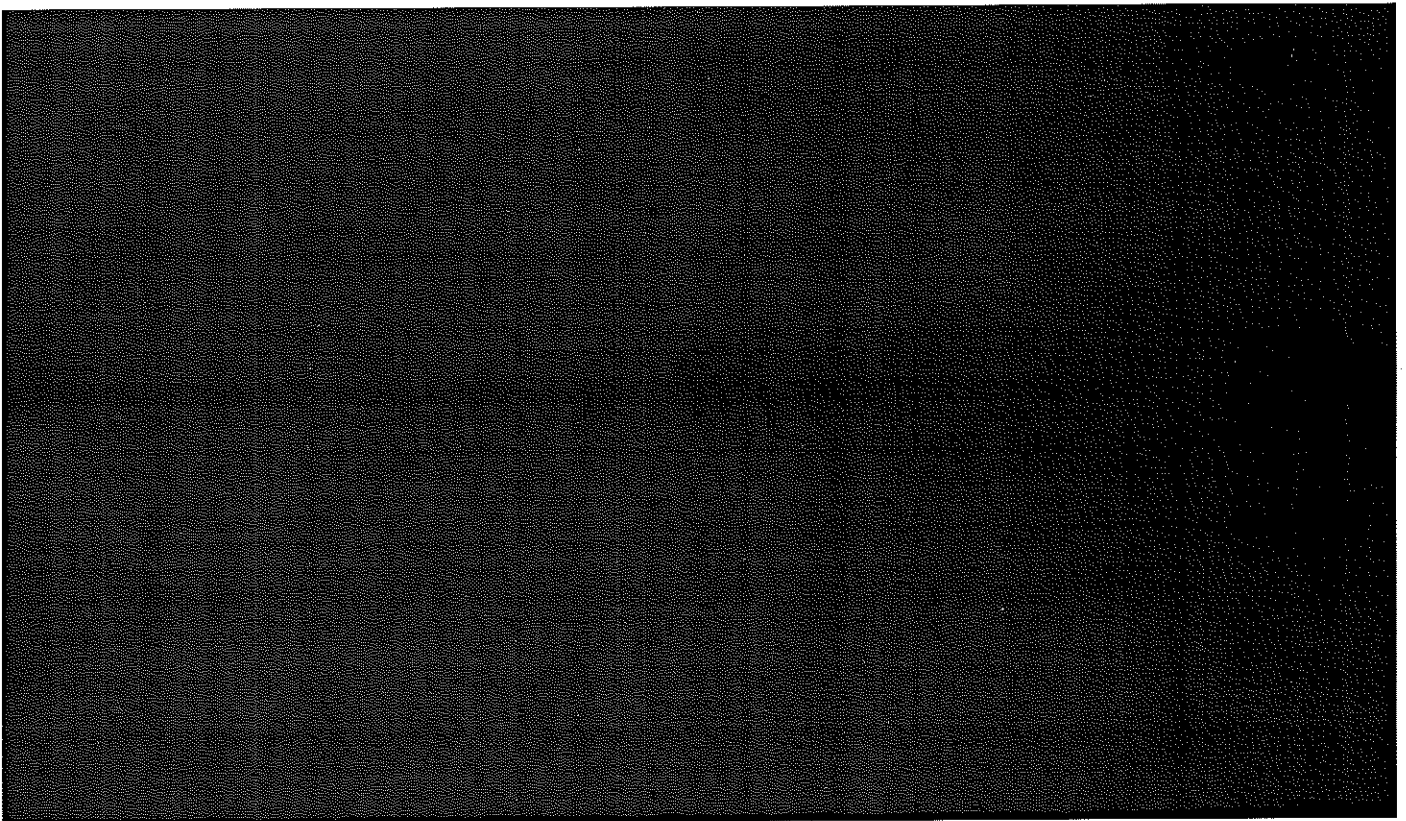
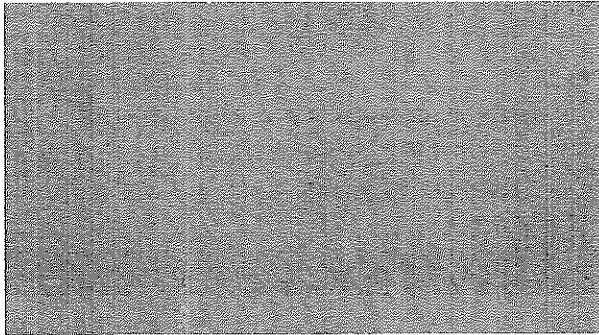
\*First



\*Last

1/29/2020

Recession Proof Retirement - Home



# Exhibit E

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**ICANN LOOKUP**

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## Domain Name Registration Data Lookup

Enter a domain name [Frequently Asked Questions \(FAQ\) \(/faq\)](#)

recessionproofretirement.net

Lookup

By submitting any personal data, I acknowledge and agree that the personal data submitted by me will be processed in accordance with the ICANN [Privacy Policy](#) (<https://www.icann.org/privacy/policy>), and agree to abide by the website [Terms of Service](#) (<https://www.icann.org/privacy/tos>) and the [Domain Name Registration Data Lookup Terms of Use](#).

### Domain Information

**Name:** RECESSIONPROOFRETIREMENT.NET

**Registry Domain ID:** 2459530852\_DOMAIN\_NET-VRSN

**Domain Status:**

[clientDeleteProhibited \(https://icann.org/epp#clientDeleteProhibited\)](https://icann.org/epp#clientDeleteProhibited)

[clientRenewProhibited \(https://icann.org/epp#clientRenewProhibited\)](https://icann.org/epp#clientRenewProhibited)

[clientTransferProhibited \(https://icann.org/epp#clientTransferProhibited\)](https://icann.org/epp#clientTransferProhibited)

[clientUpdateProhibited \(https://icann.org/epp#clientUpdateProhibited\)](https://icann.org/epp#clientUpdateProhibited)

**Nameservers:**

NS37.DOMAINCONTROL.COM

NS38.DOMAINCONTROL.COM

### Dates

**Registry Expiration:** 2021-11-25 19:05:57 UTC

**Created:** 2019-11-25 19:05:57 UTC

## Contact Information

### Registrant:

**Organization:** Domains By Proxy, LLC

**Mailing Address:** Arizona, United States

### Technical:

**Organization:** Domains By Proxy, LLC

**Mailing Address:** Arizona, United States

### Administrative:

**Organization:** Domains By Proxy, LLC

**Mailing Address:** Arizona, United States

### Billing:

**Organization:** Domains By Proxy, LLC

**Mailing Address:** Arizona, United States

*Redacted for privacy: some of the data in this object has been removed.*

## Registrar Information

**Name:** GoDaddy.com, LLC

**IANA ID:** 146

**Abuse Contact Email:** abuse@godaddy.com

**Abuse Contact Phone:** tel:480-624-2505

## DNSSEC Information

**Delegation Signed:** Unsigned

## Authoritative Servers

**Registry Server URL:** <https://rdap-core.vrsn.com/net/v1/domain/recessionproofretirement.net> (<https://rdap-core.vrsn.com/net/v1/domain/recessionproofretirement.net>)

**Last updated from Registry RDAP DB:** 2020-02-11 07:50:22 UTC

**Registrar Server URL:** <https://rdap.godaddy.com/v1/domain/RECESSIONPROOFRETIREMENT.NET> (<https://rdap.godaddy.com/v1/domain/RECESSIONPROOFRETIREMENT.NET>)

**Last updated from Registrar RDAP DB:** 2020-02-11 18:58:23 UTC

**Raw Registry RDAP Response**



**Raw Registrar RDAP Response**



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**Who We Are**

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**Accountability &  
Transparency**



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Learning ( <a href="https://www.icann.org/en/about/learning">https://www.icann.org/en/about/learning</a> )	Global Support ( <a href="https://www.icann.org/resources/pages/customer-support-2015-06-22-en">https://www.icann.org/resources/pages/customer-support-2015-06-22-en</a> )	Independent Review Process ( <a href="https://www.icann.org/resources/pages/irp-2012-02-25-en">https://www.icann.org/resources/pages/irp-2012-02-25-en</a> )
Participate ( <a href="https://www.icann.org/en/about/participate">https://www.icann.org/en/about/participate</a> )	Report Security Issues ( <a href="https://www.icann.org/resources/pages/report-security-issues-2018-05-24-en">https://www.icann.org/resources/pages/report-security-issues-2018-05-24-en</a> )	Request for Reconsideration ( <a href="https://www.icann.org/groups/board/governance/reconsideration">https://www.icann.org/groups/board/governance/reconsideration</a> )
Groups ( <a href="https://www.icann.org/resources/pages/groups-2012-02-06-en">https://www.icann.org/resources/pages/groups-2012-02-06-en</a> )	PGP Keys ( <a href="https://www.icann.org/en/contact/pgp-keys">https://www.icann.org/en/contact/pgp-keys</a> )	Ombudsman ( <a href="https://www.icann.org/help/ombudsman">https://www.icann.org/help/ombudsman</a> )
Boards ( <a href="https://www.icann.org/resources/pages/board-of-directors-2014-03-19-en">https://www.icann.org/resources/pages/board-of-directors-2014-03-19-en</a> )	Certificate Authority ( <a href="https://www.icann.org/contact/certificate-authority">https://www.icann.org/contact/certificate-authority</a> )	Empowered Community ( <a href="https://www.icann.org/ec">https://www.icann.org/ec</a> )
President's Corner ( <a href="https://www.icann.org/presidents-corner">https://www.icann.org/presidents-corner</a> )	Registry Liaison ( <a href="https://www.icann.org/resources/pages/contact-f2-2012-02-25-en">https://www.icann.org/resources/pages/contact-f2-2012-02-25-en</a> )	
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JS 44 (Rev. 02/19)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Retirement Media, Inc. and Crash Proof Retirement, LLC

(b) County of Residence of First Listed Plaintiff Montgomery County, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Fox Rothschild LLP  
2000 Market St., 20th Flr. Philadelphia, PA 19103 (215) 299-2000

## DEFENDANTS

Nicholas Lee Yashin d/b/a Recession Proof Retirement, and John Does 1-10

County of Residence of First Listed Defendant Montgomery County, PA  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Rogers Castor  
26 East Athens Ave, Ardmore, PA 19003

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 FIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation - Transfer  
☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)  
 15 U.S.C. Secs. 1114, 1125

Brief description of cause:  
 Trademark infringement and unfair competition

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:  
 JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
 02/19/2020

SIGNATURE OF ATTORNEY OF RECORD

FEB 19 2020

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DESIGNATION FORM**

*(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

Address of Plaintiff: 2700 Horizon Drive, Suite 300, King of Prussia, Pennsylvania 19406

Address of Defendant: 121 Stable Road, Norristown, Pennsylvania 19403

Place of Accident, Incident or Transaction: Commonwealth of Pennsylvania

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 02/19/2020

*Must sign here*  
\_\_\_\_\_  
Attorney-at-Law / Pro Se Plaintiff

PA 75945

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases  
(Please specify): Trademark

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

*(The effect of this certification is to remove the case from eligibility for arbitration.)*

I, Sidney S. Liebesman, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☒ Relief other than monetary damages is sought.

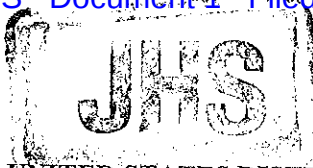
DATE: 02/19/2020

*Sign here if applicable*  
\_\_\_\_\_  
Attorney-at-Law / Pro Se Plaintiff

PA 75945

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM 20**

**926**

Retirement Media, Inc. and  
Crash Proof Retirement, LLC

CIVIL ACTION

v.  
Nicholas Lee Yashin d/b/a Resession Proof Retirement,  
and John Does 1-10

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

February 19, 2020

Sidney S.  
Liebesman

Retirement Media, Inc. and  
Crash Proof Retirement, LLC

**Date**

**Attorney-at-law**

**Attorney for**

215-299-2000

215-299-2150

sliebesman@foxrothschild.com

**Telephone**

**FAX Number**

**E-Mail Address**